

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN and MARVELS AND
MIRACLES, LLC.,

Plaintiffs,

-vs-

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTER-
NATIONAL, INC., MCFARLANE
WORLDWIDE, INC. and IMAGE
COMICS, INC.,

Defendants.

03-1461

No. 02-C-0048-S

DOCKET
NUMBER

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U.S. DISTRICT COURT
WEST. DIST. OF WISCONSIN

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CASE
NUMBER

DEPOSITION OF SHEILA EGGER

Phoenix, Arizona
June 18, 2002
9:10 a.m.

U.S.C.A.—7th Circuit
FILED

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Prepared for:
DOC. # _____

U.S. DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
(Original)

Reported by:

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THE DEPOSITION OF SHEILA EGGER,
taken at 9:10 a.m. on June 18, 2002, at the offices of
Brown & Toleu, Ltd., 101 West Adams Street, Phoenix,
Arizona, before PAUL GROSSMAN, a Notary Public and
Certified Court Reporter #50028 in and for the State of
Arizona, pursuant to the Federal Rules of Civil
Procedure.

The plaintiffs were represented by their
attorneys, Foley & Lardner, by Jeffrey A. Simmons, Esq.

The defendants Todd McFarlane were
represented by their attorneys, Blackwell, Sanders,
Peper, Martin, L.L.P., by Pete Salsich, III, Esq.

The defendant Image Comics was represented by
its attorneys, Brobeck, Phleger & Harrison, LLP, by
Matthew C. Lapple, Esq.

Also present was Kenneth F. Levin, Esq.

Phoenix, Arizona

June 18, 2002

9:10 a.m.

SHEILA EGGER,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

EXAMINATION

BY MR. SIMMONS:

Q. Would you just state your name for the record
for us?

A. Sheila Egger.

Q. And where do you live?

A. Phoenix.

Q. Have you ever given a deposition before?

A. Yes, I have.

Q. When was that?

A. I believe it was two years ago.

Q. Can you just tell me a little bit about what
the case was about?

A. It was Tony Twist versus -- I think it was
Todd McFarlane Productions.

Q. And what was the lawsuit about? Do you know

1 what the substance was?

2 A. It was -- I think it was a -- it was about
3 Todd using Tony Twist's name in an HBO series that he
4 produced.

5 Q. And when you say "Todd," you mean Todd
6 McFarlane?

7 A. Todd McFarlane.

8 Q. And I think I'll do the same thing throughout
9 the deposition, just call him Todd and when I refer to
10 Neil it will be Neil Gaiman.

11 I'll just go over some of the basic rules for
12 a deposition again. When I ask you questions I'll need
13 you to give me an audible response. You can't -- don't
14 nod your head, give me any uh-huhs or anything like
15 that. You need to speak so the court reporter can get
16 it down.

17 A. Okay.

18 Q. If you don't understand a question that I
19 ask, just ask me to rephrase it. Let me know.
20 Otherwise if you answer the question, I'll assume that
21 you understood it.

22 And I'll try not to speak over you and if
23 you'd do the same for me, and that will also give your
24 attorney a chance to object if he needs to.

25 A. All right.

1 Q. Did you do anything to prepare for the
2 deposition today other than, you know, you don't need to
3 tell me if you talked to your attorney. Anything else
4 to prepare?

5 A. Not really.

6 Q. Did you review any documents?

7 A. I reviewed a few with Pete.

8 Q. Where are you working now?

9 A. I work in Phoenix, Todd McFarlane
10 Productions.

11 Q. How long have you been with -- I'll call it
12 Todd McFarlane Productions, TMP. Does that work for
13 you?

14 A. Yes.

15 Q. How long have you been there?

16 A. I've been there seven years.

17 Q. Have you worked for any other companies that
18 Todd McFarlane is associated with?

19 A. No.

20 Q. Like McFarlane Worldwide, have you ever been
21 employed there?

22 A. No.

23 Q. Todd McFarlane or TMP International --

24 A. No.

25 Q. -- ever been employed there?

1 Can you describe your employment history for
2 me with TMP? What did you start out doing when you
3 first got hired?

4 A. I started -- the first couple of years I just
5 did general office duties, filing and answering the
6 phones. And then I believe probably in '97 I started
7 helping Todd schedule his appointments or -- oh, let's
8 see. Just keeping a general calendar of what he was
9 doing, sometimes coordinating FAXes that came in or
10 planning his travel plans.

11 Q. Did you get a new title at that time in '97?

12 A. No.

13 Q. Do you have a title now?

14 A. I do and I don't -- I'm not even sure what it
15 is. We just kind of went through a change in titles,
16 and I think it's Senior Administrative Assistant or
17 something. I don't even remember. We changed all the
18 titles. It was Vice-President of Operations, but that
19 wasn't really indicative of what I did, so --

20 Q. And what do you do now? What are your duties
21 now?

22 A. I still work directly with Todd, planning his
23 travel, organizing memos that come in, FAXes, just
24 helping him keep organized.

25 Q. Do you know how many employees TMP has?

1 A. I believe it's around 35.

2 Q. I just want to back up for a second. You
3 said you started with TMP about seven years ago?

4 A. Yes.

5 Q. So you started in '94, '95?

6 A. January of '95.

7 Q. When you started in January of '95 or roughly
8 about that time, after you first started working with
9 TMP were you aware that -- were you aware that TMP was
10 paying royalties to Neil Gaiman for work he had done for
11 TMP?

12 A. No.

13 Q. And you didn't assist in the calculation of
14 any royalties that might have been paid to Neil Gaiman
15 at that time?

16 A. No.

17 Q. Can you remember when the first time was that
18 you either spoke or wrote to Neil Gaiman?

19 A. I'm not certain when the first was I would
20 have spoken to him.

21 Q. Do you have any sort of rough recollection?

22 A. I wouldn't want to guess. I don't -- I
23 couldn't name a time when I remember like specifically
24 what year or how long I'd been there when I first spoke
25 to him.

1 Q. That's fine.

2 I'll bring you to 1997 now.

3 A. Uh-huh.

4 Q. Do you remember Neil and Todd having any sort
5 of negotiations during that time period during 1997?

6 A. I remember Todd preparing checks for Neil.

7 Q. And when was that roughly?

8 A. That was in 1997, in the first half of the
9 year. Right around the summertime.

10 Q. I'm just going to -- we'll mark this as
11 Exhibit 1.

12 (Deposition Exhibit Number 1 was then
13 marked for identification.)

14 BY MR. SIMMONS:

15 Q. We'll mark this as Exhibit 1.

16 Do you recognize this document?

17 A. I don't recognize -- I don't recall it.

18 Q. Looking at this document, does this help you
19 sort of place a time-frame on when Neil and Todd may
20 have been talking to each other?

21 A. Yes, because it was May and it seems like it
22 was a quarterish -- I know the Spawn movie came out in
23 the summer and it was prior to the release of that that
24 I remember Todd talking to Neil or preparing some checks
25 for him.

1 Q. Okay. Any recollection -- and you will see
2 in the text of the FAX there it talks about "Todd wanted
3 me to let you know that he received your FAX and he will
4 go over the information."

5 Do you have any recollection of what that FAX
6 was there then?

7 A. No, I don't.

8 Q. I'll show you -- I'll mark this as Exhibit 2.
9 (Deposition Exhibit Number 2 was then
10 marked for identification.)

11 BY MR. SIMMONS:

12 Q. If you'll take a look at it. Do you
13 recognize that document? Ever seen it before?

14 A. Not that I recall.

15 Q. You don't recall whether that might be the
16 FAX that's referred to in the --

17 A. No. I couldn't say for certain, but I would
18 assume that that's what he's -- I could assume that
19 that's what he's referring to.

20 Q. Do you remember any -- any messages that you
21 were passing between Neil and Todd or vice-versa at that
22 time? And by "that time" I mean in the May, 1997 time
23 period.

24 A. I remember Neil calling a few times, but I
25 don't -- I didn't really pass on any information other

1 than, you know, "Return Neil's call." I mean --

2 Q. I'm sorry.

3 A. Neil wouldn't have -- Neil didn't give me any
4 information. I just remember talking to him briefly on
5 the phone. "Have Todd return my call when he gets a
6 chance," or --

7 Q. Do you remember anybody else at TMP talking
8 with Neil Gaiman during this time period, again sort of
9 the May to August, '97 time period?

10 A. I don't.

11 Q. You don't recall?

12 A. I don't recall anyone else talking to him.

13 MR. SIMMONS: Mark this as Exhibit 3.

14 (Deposition Exhibit Number 3 was then
15 marked for identification.)

16 BY MR. SIMMONS:

17 Q. Exhibit 3 is a collection of what looks like
18 three separate documents. Do you recall any of these
19 documents? Do any of them look familiar to you?

20 A. I remember that Wanda did work on the foreign
21 publishing at the time.

22 Q. What do you mean "work on the foreign
23 publishing"?

24 A. Well, she was -- I don't know at what point
25 she came in, but she -- it was her job to try to have

1 the books published in other countries, so she was the
2 foreign publishing person, whoever handles that.

3 Q. Who is Wanda?

4 A. Wanda is Todd's wife.

5 Q. Do you remember specifically receiving this
6 FAX? I should say -- actually, I'm not sure if it is a
7 FAX. Receiving this document.

8 A. It's a memo. We were at the same office, so
9 I think it was a FAX. I know that she was getting some
10 of these numbers together for Todd, so she probably
11 passed this on to me to give to Todd, but I don't --
12 I'll just look at these others.

13 Q. The next page, which is TM 368 -- I'm
14 referring to the bottom corner when I cite those
15 numbers -- looks like a message that you sent to Larry
16 Marder.

17 A. Yes.

18 Q. Do you recall sending that --

19 A. Yes.

20 Q. -- this note to Larry?

21 A. Yes.

22 Q. And why did you send this to Larry?

23 A. At Todd's request for this information.

24 Q. Do you know why Todd was gathering this
25 information?

1 A. Specifically, no. I know that he -- I mean,
2 it's --

3 Q. Did you understand that Todd and Neil had
4 reached an agreement --

5 A. Yes, I did.

6 Q. -- during this time period?

7 A. Yes.

8 Q. Did you understand that Todd was attempting
9 to collect information to help provide to pay royalties
10 to Neil pursuant to that agreement?

11 A. Yes.

12 Q. And so these documents, the three documents
13 that are included as Exhibit 3 --

14 A. Correct. I'm just trying to recall what this
15 is all --

16 Q. Sure.

17 A. -- pertaining to.

18 Q. So, would all three of these have been
19 created as part of that process of gathering information
20 for Todd so that he could pay royalties to Neil?

21 A. I would assume so, yes.

22 Q. Do you recall?

23 A. I'm trying to think of who Pat is.

24 Q. That was my next question actually.

25 A. I'm looking at it. Pat was probably Pat

1 Carron and Pat Carron worked in Michigan for -- I
2 believe he -- the company he worked for was TMPI.

3 Q. By TMPI you mean TMP International?

4 A. TMP International.

5 Q. Do you know how to spell Pat's last name?

6 A. C-A-R-R-O-N.

7 Q. Do you know what Pat's job was over at TMPI?

8 A. That's what I'm trying to remember and I
9 can't say what his job was. I think he worked in the
10 Accounting Department, but I don't know what his
11 specific job or title was.

12 Q. Referring to the last two documents, TM --
13 the handwritten documents --

14 A. Yes.

15 Q. -- 368 and 369, do you know -- do you recall
16 whether Larry Marder or Pat responded to your request
17 here?

18 A. I don't recall.

19 Q. Do you recall whether they ever sent you any
20 financial information regarding revenues that had been
21 generated by various Spawn products?

22 A. No, I don't recall.

23 MR. SIMMONS: Mark this as Exhibit 4.

24 (Deposition Exhibit Number 4 was then
25 marked for identification.)

1 BY MR. SIMMONS:

2 Q. Why don't you take a look at this document.

3 Is this a document that you created?

4 A. May I refer to it?

5 Q. Yes, sure.

6 A. Yes, I remember these.

7 Q. So the cover page on this document, TM 467,
8 that's a document you created?

9 A. Yes.

10 Q. And can you describe the circumstances,
11 explain why you created this document?

12 A. Well, I don't know where Todd was, but he did
13 ask me to collect information, which according to this I
14 have included.

15 Q. Okay. Did you have any understanding of why
16 Todd was having you do this?

17 A. I do know that he wanted to get checks out to
18 Neil.

19 Q. Turning past page 1 of that document, do you
20 recall whether you created any of the subsequent
21 documents that are attached?

22 A. A lot of this information I gathered from
23 other people and just put the information down and sent
24 it off.

25 This 469 document --

1 Q. Yes.

2 A. -- I probably would have got this from
3 whoever was in charge of the comic book trafficking,
4 comic books and doing any kind of -- I don't even know
5 what that person's job would be called, but they just
6 would have been in charge of comic books.

7 Q. Is this someone at TMP that you're referring
8 to?

9 A. Yes. And I don't know who it was at the
10 time.

11 Q. So you don't specifically recall who you
12 received those pages from?

13 A. No. But I know I remember asking I needed a
14 list of Angela's appearances. And I don't remember who
15 that would be. It may have been Melanie Simmons.

16 Q. Who's Melanie Simmons?

17 A. I believe she is an employee at the company
18 and I believe at the time she was working on the comic
19 books.

20 Q. And if you'll turn to TM 475, that's a couple
21 pages back from where you're at. Right.

22 Do you recognize whose handwriting is on this
23 document?

24 A. That's Todd's handwriting.

25 Q. All right. Off the record.

1 (Discussion off the record.)

2 MR. SIMMONS: We'll mark this document as
3 Exhibit 4A. I have only got one copy right now so we'll
4 make copies in a little bit. And Exhibit 4A consists of
5 documents based on TM 470, TM 471, TM 472, 473 and it
6 looks like 479 and 80.

7 (Deposition Exhibit Number 4A was then
8 marked for identification.)

9 BY MR. SIMMONS:

10 Q. Okay. I'll have you take a look at that.
11 Okay. Do you recognize any of those documents?

12 A. Yes.

13 Q. Were they part of the FAX that we were just
14 looking at, Exhibit 4? Do you recall whether they were?

15 A. I don't recall. I would assume the sales
16 figures from Michigan.

17 Q. Why don't you just -- we'll go page by page
18 on this one. Do you recall where you obtained that
19 document from?

20 Or I guess I should start, is that a document
21 you created or you obtained from somebody else?

22 A. No, it's not something I created.

23 Q. Any idea who did?

24 A. No.

25 Q. Okay. Would you just flip to the next one?

1 A. Uh-huh. From Allan Inglis.

2 Q. Who is Allan Inglis?

3 A. Allan Inglis worked in Michigan for TMP
4 International and he was the CFO.

5 Q. Is he no longer there?

6 A. He's not.

7 Q. Any idea when he left?

8 A. I believe it was June of 2001. We relocated
9 our offices from Michigan to Phoenix.

10 Q. And Allan didn't come?

11 A. He chose not to come, correct.

12 Q. You can continue flipping.

13 Do you recognize -- what document are you on
14 now?

15 A. I'm sorry. It's TM 473.

16 Q. Do you know who created that document?

17 A. I would assume Allan Inglis because this
18 first two pages refer to it.

19 Q. Okay. It's part of the same document. And
20 there's some handwritten notes on that document.

21 A. It looks like Todd's writing.

22 Q. Okay. You can flip to the next page. Is
23 that also from Allan Inglis?

24 A. That's what it says.

25 Q. That's what it says.

1 Okay. You didn't play any part in creating
2 that document?

3 A. No, I did not.

4 Q. Okay. Did Todd talk to you at all about any
5 of these documents that you were sending out to him?

6 A. No.

7 Q. Did he call you after you sent them out to
8 him and make any comments to you about them?

9 A. No.

10 MR. SIMMONS: Mark this as Exhibit 5.

11 (Deposition Exhibit Number 5 was then
12 marked for identification.)

13 BY MR. SIMMONS:

14 Q. Why don't you take a look at that. Just let
15 me know when you're done looking through it.

16 A. Okay.

17 Q. Do you recognize that document?

18 A. Yes.

19 Q. Did you play any role in creating that
20 document?

21 A. I did. I didn't compile the information. I
22 mean, Todd gave me the information how he wanted this
23 and I input numbers.

24 Q. So you basically -- did you --

25 A. I typed it.

1 Q. You typed in the information he gave you?

2 A. Right.

3 Q. Did anybody else give you information,
4 anybody other than Todd give you information to record
5 in this document?

6 A. Not that I recall.

7 Q. On several of the pages -- it looks like
8 actually it's the first five pages -- there are notes at
9 the bottom.

10 A. Yes.

11 Q. Do you see what I'm referring to?

12 A. Yes, I do.

13 Q. I know that you typed the document, but who
14 gave you the text for the notes?

15 A. He did.

16 Q. So those notes are all Todd's words
17 essentially?

18 A. Correct.

19 MR. SIMMONS: This is Exhibit 6.

20 (Deposition Exhibit Number 6 was then
21 marked for identification.)

22 BY MR. SIMMONS:

23 Q. Would you take a look at Exhibit 6 and let me
24 know when you're done.

25 A. Okay.

1 Q. Do you recognize Exhibit 6?

2 A. Yes, I do.

3 Q. Is that a document you created?

4 A. Again I typed it for Todd, but I -- he
5 dictated what he wanted me to put in it so I didn't
6 create -- or I typed it. I prepared it, but I didn't
7 have any of the numbers. Those were just input by the
8 information Todd gave me.

9 Q. Did anybody other than Todd give you any
10 information to put in this report?

11 A. No, I don't believe so.

12 Q. On the first page, first line of the body of
13 the document it says, "I am sending another check for
14 the next royalty payments."

15 A. Correct.

16 Q. What role did you play in cutting the checks
17 to go out to Neil?

18 A. I don't remember. I'm assuming I just got
19 them with the reports and sent them out. I don't
20 remember who specifically was doing the accounting at
21 the time.

22 Q. Do you recall whether Terry Fitzgerald played
23 any role in compiling any of the information that's
24 included in this report?

25 A. No, I don't believe he did.

1 MR. SIMMONS: This one is Exhibit 7.

2 (Deposition Exhibit Number 7 was then
3 marked for identification.)

4 BY MR. SIMMONS:

5 Q. Just let me know when you're done taking a
6 look at it.

7 A. Okay. I'm done.

8 Q. Okay. Do you recognize this document?

9 A. Yes.

10 Q. It's a document you created?

11 A. Correct.

12 Q. The second paragraph of the text says, "I
13 phoned Terri Cunningham and she is out ill today."

14 Why were you calling Terri Cunningham?

15 A. I don't recall.

16 Q. Did Todd ask you to call Terri Cunningham?

17 A. Possibly.

18 Q. Do you recall whether Terri Cunningham
19 returned your call?

20 A. That I don't remember.

21 Q. Did Todd ever explain to you why he wanted to
22 get ahold of Terri Cunningham?

23 A. He wanted to discuss DC's standard, from what
24 I recall, DC's standard deal with artists.

25 Q. And do you know whether Terri Cunningham ever

1 got back to him?

2 A. I know that Todd and Terri spoke on the
3 phone. I don't know whether it was before this date or
4 after this date.

5 Q. Do you know whether it was -- whether it was
6 before you sent out any of the reports, Exhibits 5 and
7 6?

8 A. No, I don't.

9 Q. Did you send out checks to Neil Gaiman for
10 royalties during or after August of 1997?

11 A. Not that I recall.

12 MR. SALSICH: Wait. Let me just impose an
13 objection here just for clarity's sake.

14 You asked her if she had sent out checks
15 during or after August of 1997. I think we've gone
16 through several exhibits that show that exhibits were --
17 checks were sent out during August of 1997, so I'm
18 unclear if you're asking her if she sent out royalty
19 checks after August of 1997 or just asking again if she
20 actually sent them and so forth.

21 MR. SIMMONS: Yes. Let me be more precise.

22 MR. SALSICH: Okay.

23 BY MR. SIMMONS:

24 Q. Do you recall whether you sent out any checks
25 to Neil Gaiman after you created the documents 5, 6 or

1 7?

2 A. Five being which one?

3 Q. Five I think is one of the other -- 5 and 6
4 are the two royalty reports.

5 A. Dated August 4th and 11th on the memos?

6 Q. Yes.

7 A. No, I don't recall if I sent any after that.

8 Q. I'm sorry if I asked this, but do you recall
9 whether Todd ever told you what, if anything, Terri
10 Cunningham might have told him?

11 A. He didn't discuss it with me.

12 MR. SIMMONS: Exhibit 8.

13 (Deposition Exhibit Number 8 was then
14 marked for identification.)

15 BY MR. SIMMONS:

16 Q. Do you recognize Exhibit 8?

17 A. Yes, I do.

18 Q. Did you play any role in creating Exhibit 8?

19 A. No, not that I recall.

20 Q. What do you recall about Exhibit 8? When was
21 the first time that you remember seeing it?

22 A. I believe when it was sent, but I don't think
23 I created this document.

24 Q. Do you remember Todd ever explaining why he
25 was sending it?

1 A. No.

2 Q. Do you recall Todd saying anything to you
3 about whether Neil Gaiman ever responded to this letter?

4 A. No, I don't.

5 Q. Do you remember Todd saying anything about
6 this letter one way or another?

7 A. I don't remember.

8 MR. SIMMONS: Mark this as Exhibit 9.

9 (Deposition Exhibit Number 9 was then
10 marked for identification.)

11 BY MR. SIMMONS:

12 Q. It looks like it's an e-mail addressed to S.
13 Peterson. Do you know who S. Peterson is?

14 A. That would be Steve Peterson. He's CFO
15 for -- I'm not sure which company. He does work in our
16 office in Tempe. He's just CFO for all the companies of
17 McFarlane.

18 MR. SALSICH: If I can just make a statement
19 on the record.

20 MR. SIMMONS: Sure.

21 MR. SALSICH: I agree it does appear that
22 Mike Kahn at Stinson.com was copied on this e-mail.
23 Mike Kahn is outside counsel for Todd McFarlane, Todd
24 McFarlane Productions, TMPI, all of whom are defendants
25 in the lawsuit.

1 It does appear that we produced this document
2 in the course of our discovery in this case and to the
3 extent it contains information that is attorney-client
4 privileged, I believe that the information contained in
5 this document is also contained in other documents that
6 themselves are not attorney-client privileged. So,
7 while I don't want to waive any privileges that may be
8 part of this particular document, again I don't see any
9 prejudice at this point in going forward with it.

10 MR. SIMMONS: That's fine. I have only one
11 other question.

12 Q. Do you know why you -- why you produced this
13 document, why you created it?

14 A. Steve Peterson asked me for if I had some of
15 the early records of the company that would have
16 payments -- that would show payments to Neil Gaiman and
17 I did have those at the office I was at and I listed
18 them here.

19 Q. Do you have any understanding of why he
20 wanted that information?

21 A. I'm assuming it was when we were preparing
22 for -- just preparing numbers on what we paid Neil, but
23 I --

24 MR. SALSICH: Let me just make an objection
25 again. To the extent that any understanding you may

1 have as to why this particular document, this e-mail in
2 Exhibit 9 or the information you were gathering therein
3 was as a result of advice given to you by Mr. Kahn as
4 indicated by the cc: on this letter, I'd instruct you
5 not to answer that as to what Mr. Kahn may or may not
6 have said as to the reasons for getting this
7 information.

8 If you want to answer factually as to what
9 you did or did not do in obtaining this information,
10 that's fine, but as to the reasons for why you gathered
11 it or for any instructions you may have received from
12 Mike Kahn about it or that Steve Peterson or Larry
13 Marder may have told you that Mike Kahn said to do this
14 or that, I'd instruct you not to answer those questions
15 on the ground it may invade the attorney-client
16 privilege. Other than that, you may answer the
17 question.

18 And I'm not sure that she is getting there,
19 but I just wanted to make sure.

20 MR. SIMMONS: No, that's perfectly all right.

21 THE WITNESS: No, on those documents I had
22 these tax records and I sent them over to Steve.

23 BY MR. SIMMONS:

24 Q. And I think the question we had was do you
25 know why he wanted the information?

1 A. Not specifically, no.

2 Q. Mark this as Exhibit 10.

3 (Deposition Exhibit Number 10 was then
4 marked for identification.)

5 BY MR. SIMMONS:

6 Q. My question is just do you recognize this
7 document?

8 A. No, I don't.

9 Q. Do you recognize the handwriting?

10 A. It looks like Todd's handwriting.

11 Q. But as far as you recall you've never seen it
12 before?

13 A. No, I don't recall seeing it.

14 MR. SIMMONS: Okay. I think that's it.

15 EXAMINATION

16 BY MR. SALSICH:

17 Q. I just have one or two questions by way of
18 clarification.

19 Sheila, do you recall being asked -- you were
20 discussing what was marked as Exhibit 3, and take a
21 quick look at that again if you recall this so we can
22 get back to that discussion. Do you recognize Exhibit
23 3?

24 A. Yes.

25 Q. And do you recall a discussion you had with

1 Mr. Simmons a few minutes ago about that exhibit?

2 A. Yes.

3 Q. If I understood your testimony correctly, at
4 one point Mr. Simmons asked you if you were aware of or
5 if you had an understanding that Todd and Neil Gaiman
6 had reached an agreement during this time and you
7 answered that question "Yes." Do you recall that
8 testimony?

9 A. Yes.

10 Q. I'd just like to ask you a couple of
11 questions about that.

12 At any time during the period about which
13 we've been talking today in the summer of 1997 did Todd
14 tell you that he and Neil had reached any specific
15 agreement?

16 A. He told me that they had come to an
17 agreement. I don't know the details of that, no.

18 Q. Did he tell you the terms of that agreement?

19 A. No, he did not.

20 Q. Did he tell you specifically what that
21 agreement was?

22 A. No, he didn't.

23 Q. Do you have any understanding of the terms,
24 any specific terms of the agreement about which you're
25 referring to?

1 A. No.

2 Q. You also stated that you -- I believe the
3 answer to the question was you understood that this --
4 the information you were gathering here was in an effort
5 so that Todd could send royalty checks to Neil. Do you
6 recall that?

7 A. Yes.

8 Q. At any time did Todd tell you specifically
9 why he was asking for any specific information that you
10 were asked to gather during this time period?

11 A. No.

12 Q. Was it your testimony then that Todd simply
13 said "I need this information" or "I need that
14 information" and you gathered it to the extent you knew
15 who might have that information?

16 A. Correct.

17 MR. SALSICH: Okay. That's all I have.

18 RE-EXAMINATION

19 BY MR. SIMMONS:

20 Q. And just one follow-up.

21 You said that Todd told you that he had
22 reached an agreement with Neil, is that correct?

23 A. Well, he didn't tell me specifically. He
24 just said that they had come to an agreement.

25 Q. Can you tell me everything you remember about

1 that conversation?

2 A. I don't. That's -- that's all I remember was
3 that I remember him mentioning that he had -- that they
4 had come to an agreement.

5 Q. Do you recall roughly when that was?

6 A. No, I don't.

7 MR. SIMMONS: That's it. I think we are
8 done.

9 MR. SALSICH: Yes, we are done.

10 (Whereupon, the deposition was then
11 concluded at 10:23 a.m.)
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14

15 SHEILA EGGER
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24 3442-G
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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)

4 BE IT KNOWN that the foregoing deposition was
5 taken before me, PAUL GROSSMAN, a Notary Public and
6 Certified Court Reporter #50028 in and for the County of
7 Maricopa, State of Arizona; that the witness before
8 testifying was duly sworn by me to testify to the whole
9 truth; that the witness will read and sign the
10 deposition; that the questions propounded to the witness
11 and the answers of the witness thereto were taken down
12 by me in shorthand and thereafter reduced to print by
13 computer-aided transcription under my direction; that
14 the foregoing 31 pages are a true and correct transcript
15 of all proceedings had upon the taking of said
16 deposition, all done to the best of my skill and
17 ability.

18 I FURTHER CERTIFY that I am in no way related
19 to any of the parties hereto, nor am I in any way
20 interested in the outcome hereof.

21 DATED at Phoenix, Arizona, this 20th day of
22 June, 2002.



Paul Grossman
Paul Grossman, Notary Public
AZ CCR #50028